

House Amendment to
Senate File 453

S-5102

1 Amend Senate File 453, as passed by the Senate, as
2 follows:

3 1. Page 1, line 2, by striking <2015> and inserting
4 <2016>

5 2. Page 1, line 31, by striking <2015> and
6 inserting <2016>

7 3. Page 1, line 32, by striking <subsection> and
8 inserting <subsections>

9 4. Page 1, before line 33 by inserting:

10 <NEW SUBSECTION. 24A. *"Managing pharmacy"* means
11 a licensed pharmacy that oversees the activities of a
12 telepharmacy site.>

13 5. Page 2, before line 1 by inserting:

14 <NEW SUBSECTION. 40B. *"Telepharmacy site"* means
15 a licensed pharmacy that is operated by a managing
16 pharmacy and staffed by one or more qualified certified
17 pharmacy technicians where pharmaceutical care
18 services, including the storage and dispensing of
19 prescription drugs, drug regimen review, and patient
20 counseling, are provided by a licensed pharmacist
21 through the use of technology.

22 Sec. _____. Section 155A.13, subsection 3, Code 2016,
23 is amended to read as follows:

24 3. a. The board may issue a special or limited-use
25 pharmacy license based upon special conditions of
26 use imposed pursuant to rules adopted by the board
27 for cases in which the board determines that certain
28 requirements may be waived.

29 b. The board shall adopt rules for the issuance
30 of a special or limited-use pharmacy license to a
31 telepharmacy site. The rules shall address:

32 (1) Requirements for establishment and operation
33 of a telepharmacy site, including but not limited
34 to physical requirements and required policies and
35 procedures.

- 1 (2) Requirements for being a managing pharmacy.
2 (3) Requirements governing operating agreements
3 between telepharmacy sites and managing pharmacies.
4 (4) Training and experience required for certified
5 pharmacy technicians working at a telepharmacy site.
6 (5) Requirements for a pharmacist providing
7 services to and supervising a telepharmacy site.
8 (6) Any other health and safety concerns associated
9 with a telepharmacy site.

10 c. The board shall not issue a special or
11 limited-use pharmacy license to a proposed telepharmacy
12 site if a licensed pharmacy that dispenses prescription
13 drugs to outpatients is located within ten miles of
14 the proposed telepharmacy site unless the proposed
15 telepharmacy site is located on property owned,
16 operated, or leased by the state or unless the proposed
17 telepharmacy site is located within a hospital campus
18 and is limited to inpatient dispensing. The mileage
19 requirement does not apply to a telepharmacy site that
20 has been approved by the board and is operating as a
21 telepharmacy prior to July 1, 2016.

22 d. An applicant seeking a special or limited-use
23 pharmacy licensed for a proposed telepharmacy site that
24 does not meet the mileage requirement established in
25 paragraph "c" and is not statutorily exempt from the
26 mileage requirement may apply to the board for a waiver
27 of the mileage requirement. A waiver request shall
28 only be granted if the applicant can demonstrate to the
29 board that the proposed telepharmacy site is located
30 in an area where there is limited access to pharmacy
31 services and can establish the existence of compelling
32 circumstances that justify waiving the mileage
33 requirement. The board's decision to grant or deny a
34 waiver request shall be a proposed decision subject to
35 mandatory review by the director of the department of

1 public health. The director shall review a proposed
2 decision and shall have the power to approve, modify,
3 or veto a proposed decision. The director's decision
4 on a waiver request shall be considered final agency
5 action subject to judicial review under chapter 17A.
6 e. The board shall issue a special or limited-use
7 pharmacy license to a telepharmacy site that meets the
8 minimum requirements established by the board by rule.>
9 6. Page 2, line 1, by striking <2015> and inserting
10 <2016>
11 7. Page 7, line 22, by striking <2015> and
12 inserting <2016>
13 8. Page 8, line 3, by striking <2015> and inserting
14 <2016>
15 9. By renumbering as necessary.